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The newsletter of post-liberal politics and ideas

How environmental law has failed us

Richard Grossman

With few exceptions, people come out of law school without having questioned pro-corporate doctrines on property. They accept today's giant corporations as inevitable. They don't seem to wonder how it came to pass that corporations became legal persons with free speech and other constitutional rights, while workers on company turf have no Bill of Rights protections.

They do not encourage the rest of us to ask why a sovereign people should permit legal fictions to elect our representatives, write our laws, or lie on vital issues.

Environmental lawyers are trained not to challenge prevailing assumptions about the law, but to accept current legal doctrines. And then they train us.

Movement lawyers should take their cue from activists. These organizers should say: "Such-and-such is destructive, uneconomical and wrong. We will educate and organize to stop these harm-doers, but we need you lawyers to figure out how we can use the law and the courts to help. At least do not block us. And please don't lecture us about what we can't do. Don't come up with legal strategies which enable corporations to hide behind privileges and immunities taken from the people. And please don't tie our hands."

Instead, like corporate and government lawyers, environmental attorneys have been funneling people's time, energy and resources into a regulatory and administrative law system where even if we "win," we don't win much; and where there are few mechanisms for shifting rights and powers away from corporations and towards people, communities and nature.

Environmental law groups -- the Natural Resources Defense Council, the Environmental Defense Fund, the Environmental Law Institute, and the Sierra Club Legal Defense Fund, were formed 20-30 years ago, mostly by young men just out of law school. When these men were law students, the critical legal studies movement was not yet a presence. Thus as students, they were not exposed to even the modest questioning of curriculum and professorial biases that goes on today.

Some of these environmental law groups received immediate support and financial backing from powerful philanthropies like the Ford and Rockefeller foundations, as well as from law firms that represented large corporations. Today, these groups define the legal agenda of environmentalism. They drive much of the environmental movement towards a system of permits and disclosure, administered by federal regulatory and administrative agencies, and towards voluntary codes of conduct.

Each wave of environmental activists has had to confront legal groups eager to turn our struggles away from making investment and production decisions a more public matter and away from decreasing corporate power. Instead, the environmental lawyers have sought to determine acceptable amounts of poisons and the proper number of clear-cuts, and the appropriate compensation for corporate harms. They would even have the public give greater profits to corporate leaders to encourage them to act more responsibly.

We've seen campaign after campaign for citizen authority over corporations diverted into regulatory agencies and the courts, where all parties toe the line of managerial prerogative and other claimed corporate property rights. ■

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As an anti-nuclear organizer in 1974, I vividly recall the hostility I encountered in Washington when I inquired what help some of these groups would give us. I was astonished at their reaction, and it took some time before I began to understand it.

In fact, most popular struggles -- labor, civil rights, environmental -- have been taken out of the public's hands. Trade unionists allowed their rights as organizers to be defined not by their own power but by the National Labor Relations Act. Years of protest by civil rights activists led to federal laws that are much less than what people had organized and died for.

Decades ago, the American people accepted the alarms of activists and said: OK, we want clean air, clean water, wild lands preserved as national parks, forests and wilderness areas. And so our movement lawyers and corporate lawyers wrote the laws.

What did we get? Laws which legalized the poisoning of the air and water, which legalized clear cutting, which left unchallenged the privileges and immunities which corporations had usurped during the past century, and which concentrated power in the hands of appointed regulators and administrators insulated from our reach.

Today, our regulatory and administrative laws are a stacked deck, granting corporations legal clout while putting people, communities and nature at a disadvantage. The National Environmental Policy Act does not mention corporations, and requires nothing of them. The Taft-Hartley Act was written by corporate lawyers. Our environmental and labor lawyers have let these laws define our arenas of struggle, our aspirations and our strategies.

So much hope has been invested in creating, enforcing, and reforming these diversionary laws. So much time, energy and resources. Look at the roles played by EDF, NRDC and the Conservation Law Foundation on energy issues. Under the banner of "demand side management" and energy efficiency, these groups -- with philanthropic assistance and cover -- have helped utility corporations get higher rates of return while decreasing the powers of state public utility commissions. They have helped utility executives move decision-making behind closed doors -- all in exchange for some voluntary corporate conservation and efficiency investment.

Over the past 25 years, environmental lawyers have been assuring the American people that with each new law the air and water and wilderness were being protected, that our children's health was being protected; that we were on the path to using energy efficiently and cleanly. Not to worry.

And so as a movement, environmentalists have not challenged the corporations' claimed constitutional rights to make all the important capital and production decisions.

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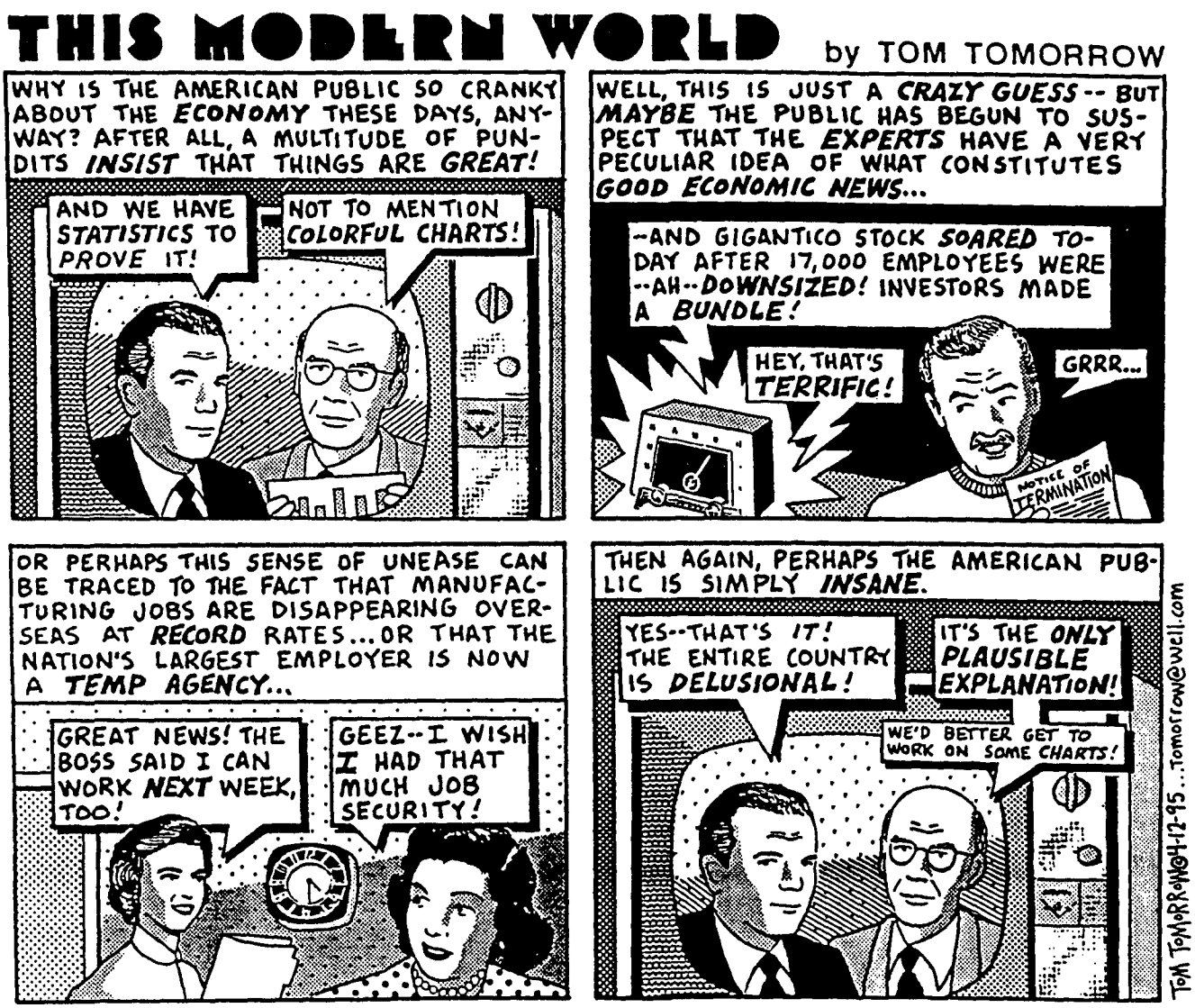
THIS MODERN WORLD by TOM TOMORROW
WHY IS THE AMERICAN PUBLIC SO CRANKY ABOUT THE ECONOMY THESE DAYS, ANYWAY? AFTER ALL, A MULTITUDE OF PUNDITS INSIST THAT THINGS ARE GREAT!
AND WE HAVE STATISTICS TO PROVE IT!
NOT TO MENTION COLORFUL CHARTS!
WELL, THIS IS JUST A CRAZY GUESS -- BUT MAYBE THE PUBLIC HAS BEGUN TO SUSPECT THAT THE EXPERTS HAVE A VERY PECULIAR IDEA OF WHAT CONSTITUTES GOOD ECONOMIC NEWS...
--AND GIGANTICO STOCK SOARED TODAY AFTER 17,000 EMPLOYEES WERE --AH--DOWNSIZED! INVESTORS MADE A BUNDLE!
HEY, THAT'S TERRIFIC!
GRRR...
NOTICE OF TERMINATION
OR PERHAPS THIS SENSE OF UNEASE CAN BE TRACED TO THE FACT THAT MANUFACTURING JOBS ARE DISAPPEARING OVERSEAS AT RECORD RATES...OR THAT THE NATION'S LARGEST EMPLOYER IS NOW A TEMP AGENCY...
GREAT NEWS! THE BOSS SAID I CAN WORK NEXT WEEK, TOO!
GEEZ--I WISH I HAD THAT MUCH JOB SECURITY!
THEN AGAIN, PERHAPS THE AMERICAN PUBLIC IS SIMPLY INSANE.
YES--THAT'S IT! THE ENTIRE COUNTRY IS DELUSIONAL!
IT'S THE ONLY PLAUSIBLE EXPLANATION!
WE'D BETTER GET TO WORK ON SOME CHARTS!
TOM TOMORROW-12-95...Tomorrow@well.com

We have not made people's constitutional rights in economic and employment decisions a movement goal, or placed it on our legal agenda. No wonder the public is so vulnerable to corporate agitators and their wise use propaganda.

■

In a speech last September, William Futrell, president of the Environmental Law Institute, conceded, rather courageously, that our environmental laws have not worked. He said, "Environmental law is too limited in its ambition . . . has been an afterthought to . . . the deeper bedrock law of the American system -- the property, tort, contract, liability, transactional, and constitutional laws."

Futrell recommended that "we should reexamine our property rights principles...focus on finding ways to integrate environmental factors into private sector decision-making. "

This is good advice, as far as it goes. But then Futrell claimed that "the US Constitution has ensured that major decisions concerning the investment in, and development of, natural resources are made in the private -- not the public sector."

In fact, he should not blame our Constitution, but rather those who have dominated its interpretation over the past century: corporate lawyers, judges (often one and the same), and politicians in corporate thrall.

In his speech, Futrell did not refer to the decades before the 1870s when the corporation was treated by the public -- its creator -- as a subordinate institution; when both law and popular culture reflected that the use of natural resources was very much a realm of public decision. He did not explain that railroad, banking and land speculation corporations began to steal the public lands and resources in vast amounts, and changed the laws to support what they were doing.

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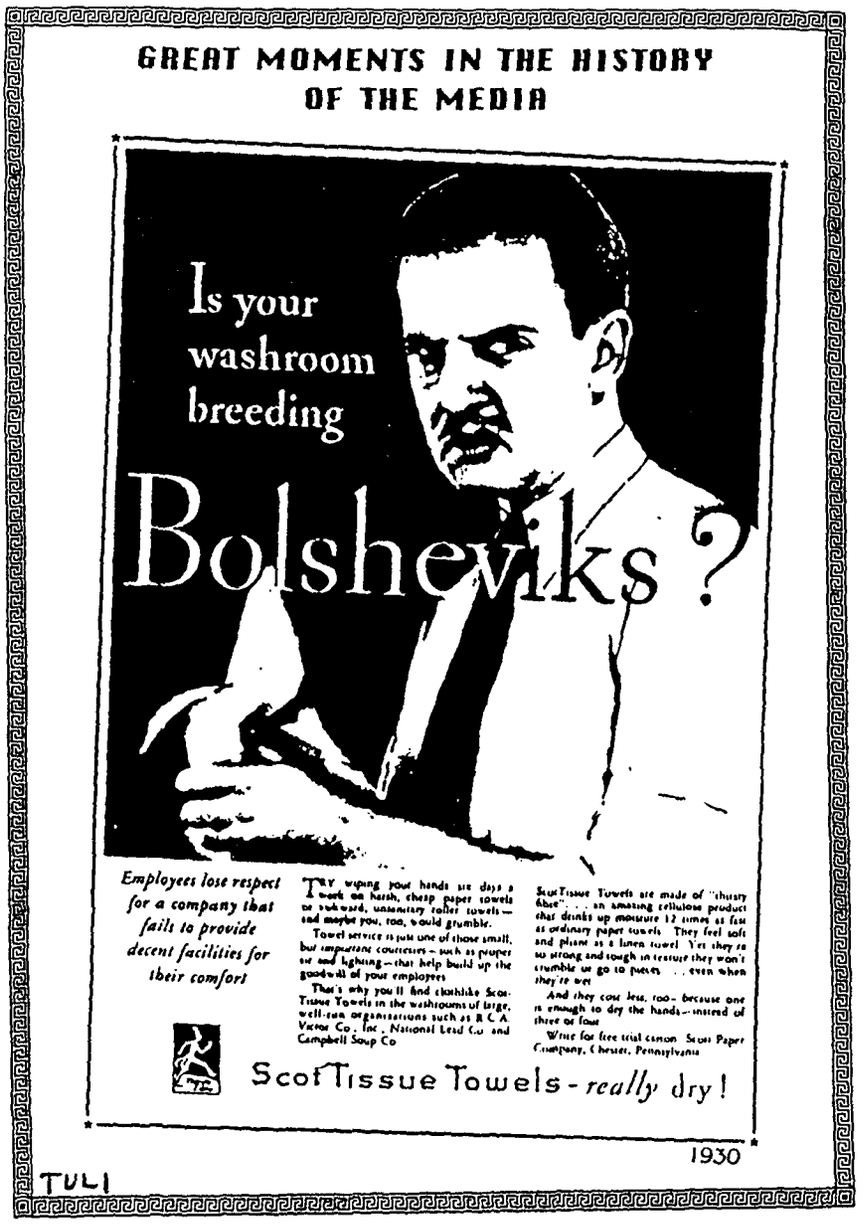
GREAT MOMENTS IN THE HISTORY OF THE MEDIA
Is your washroom breeding
Bolsheviks?
Employees lose respect for a company that fails to provide decent facilities for their comfort
ScotTissue Towels - really dry!
1930
TULI

He did not, in fact, mention corporations in his talk, nor the efforts that corporations have expended to change legal doctrines and laws. He did not explain the governing roles corporations play today as they direct massive amounts of capital; intimidate whole communities; control jobs, production, trade and technology; poison and destroy; dominate our elections; write and pass our laws; educate our judges in the jurisprudence of corporate protectionism; and shape public debate.

He did not talk about the influence which corporate wealth and power exert on law schools, law professors, law students, on our educational system and on our culture as a whole.

Futrell suggested that we need new legal doctrines. But for what? "...to make the market itself work to guard nature."

Perhaps we can figure out some ways to use price mechanisms to achieve specific goals. But will the market be there stopping corporate bulldozers and chain-saws? Will the market save and restore salmon streams? Will the market change forestry practices on public lands which timber corporations have taken as their private preserves? Will the market honor native peoples' sovereignty? And recognize biodiversity?

Will the market get corporations out of our elections, our legislatures, our judge's chambers, our law schools? Will the market enable people to do work which makes sense and pays a living wage?

Where are people in Futrell's world of law? Why can't we the people create the legal doctrines we need to fulfill the promises and ideals of the American Revolution -- so that finally we can govern ourselves? So that we can guard nature, so that we can decide what work we want and need to do, and control the conditions of our work? So that we can guard our health and our communities too?

■

The classic study of "bedrock" law is by Harvard professor Morton Horwitz. It is called, appropriately, *The Transformation of American Law*, for that is precisely what corporate lawyers succeeded in doing by the end of the 19th century. Another scholar, Martin Sklar, called it a "corporate reorganization of the production-property system." And this is what corporate leaders have been perfecting all during the 20th century. It is what we face today.

Just when the Supreme Court was bestowing upon corporations legal personhood, corporations were working children to death and using convicts to break strikes. Carnage prevailed in the nation's mines and mills. By the 1890s, railroad corporations were killing 6,000-7,000 people a year and injuring over 30,000 people annually -- employees, passengers and just people who happened to get in the way.

The owners of western railroad corporations had walked off with 180 million acres of public land. Federal judges declared unions to be criminal conspiracies, and corporate and government troops bloodied and killed

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workers who dared to organize for their lives, liberties and pursuits of happiness.

The working and small business people who organized the Knights of Labor; the farmers, urban workers, small merchants and intellectuals who built the populist movement, all realized that federal regulatory laws and agencies would become barriers between the corporations and the people. And so they sought ownership and control of railroads, banks, grain and telegraph corporations. They understood the need for "democratic money," and the need to break the grip of the cotton merchants, as well as the tool and seed suppliers. They sought cooperation, cooperatives and self-sufficiency, instead of competition, hierarchy and maximum production of everything.

They struggled but were defeated by the combined might of the state and the corporation. Thereafter, the claims of corporate executives were granted legitimacy by legal doctrine, law, courts, historians and law schools.

Regulatory laws were declared great victories for the people. Thus for the past century, citizen struggles for justice have been channeled into regulation and administration -- and into the market -- as if these were the only places a sovereign people were permitted to seek redress of grievances.

It's time to stop playing by the rules of our corporate exploiters and destroyers. They taught our lawyers, and the lawyers taught us.

Richard Grossman is co-director of the Program on Corporations, Law & Democracy. He is co-author of Taking Care of Business: Citizenship and the Charter of Incorporation, *available for $4 from POB 806, Cambridge MA 02140*

Feedback

Weh ave received many favorable comments concerning our outline of principles for a cooperative commonwealth -- a platform for a new mainstream. If you would like a copy of this statement please send a stamped, self-addressed envelope to the Progressive Review, 1739 Connecticut Ave. NW, Washington DC 20009. Here are several of the responses we received.

✏ *The first is from Don Doig, of Helmville, Montana, a leader of the fully informed jury movement:*

Here are some thoughts. Overall, I believe you are on the right track.

Communities: Public schools, if we are to have them, should be financed at the local level, with voluntary contributions encouraged. Will this result in discrepancies? Undoubtedly, but the trade-offs are probably worth it. I almost hesitate to use such a hackneyed line, but my mother went to school in a one-room log cabin in the backwoods of Montana, and I don't think she suffered as a result. Public schools, however, will always be a source of societal friction in a diverse society. They are also tempting targets for control by elites within government, and those who perceive their interests above the common folk, in order to mold values and manipulate information favorable to the elites. Elites historically have used them to stifle cultural diversity. Corporations have seen them as training venues for malleable work forces incapable of critical thought.

Corporations: I think there is a potential to unite the left and the right in opposition to corporations as we know them. Corporations separate ownership and management from personal responsibility, and have been at the forefront of the subversion of our constitutional government. I would like to see us favor small and medium-sized family owned businesses as a matter of policy.

It is my understanding that common law juries once had sufficient power to hold corporations' feet to the fire when it came to environmental degradation and other abuses, and this is the main reason why corporations pressured the Supreme Court to limit jury powers. I think this is a major avenue which might be pursued by those who would limit corporate power. Civil juries ought to be informed they can judge the law, and judges ought not be able to overturn a civil verdict, nor should damages be limited by law.

Finances: The Federal Reserve is totally fraudulent and should be abolished. It is simply a means to rob the country and funnel money into the coffers of the elites. By all means, return to constitutional money creation. That portion of the "debt" which is owed to the (private) Federal Reserve is fraudulent. I think they owe a debt to *us*.

Health: National health insurance involves steps away from devolution of power and authority. How about an emphasis on alternative medicine and health maintenance, and free up the system so prices are not artificially boosted into the stratosphere? Eliminate the monopoly of the AMA, and free up the medical schools so there are more doctors. It has been said the FDA has caused more death and suffering than it has prevented, and it has caused drug prices to skyrocket, while suppressing alternative and herbal medicine. Abolish it. Rely on common law juries, full liability, and honest courts instead to keep the system accountable.

The War on Drugs is simply unconstitutional. When the prohibitionists wanted to outlaw alcohol, they understood that it would take a constitutional amendment, and they passed one. Juries refused to enforce it, though, and it had to be repealed. Since the Constitution is held in such contempt

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by the powers-that-be these days, no drug prohibition amendment has been thought necessary. Juries are beginning to refuse to enforce anti-drug statutes, and the conviction rate has been falling.

Justice: Government mandates against discrimination by private persons and businesses ultimately do more harm than good, despite superficial appearances. You can't heal racial divisions by creating deep-seated hostility via government mandates. Discrimination based on government policy is another matter entirely.

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Military: Recognize that our military serves primarily the interests of empire. Multinational corporations are the beneficiaries of our worldwide military dominance. In the interests of these corporations, and through their manipulation of the system, we get sucked into one foreign military adventure after another, with no real relation to our national security, unless one defines national security as synonymous with the interests of the multinationals, which I do not. The left and the right have common ground here.

A military based primarily on local militias comprised of the people as a whole, after the Swiss model, and the National Guard under the control of the governors would be entirely sufficient to serve the needs of true national security. Decentralized economies would also make us less dependent on international trade, and development of alternative energy technologies would also help. We would not be the pariahs of the whole world if we did not project our military power worldwide on behalf of corporate profits..

Taxation: If we can devolve the country as much as I'd like to see, there is not going to be a very large federal government, and not much need for the funds to finance it. Property taxation based on all forms of property, you say? I hope you don't have in mind what they have on the books in Oklahoma which, if I'm not mistaken, includes all personal property. If they ever enforce it, it would entail an inventory of all your personal effects in your home, and that would be terribly intrusive! Are they going to come in and look? Given a small enough federal government, constitutional excise taxes and tariffs might suffice. The Sixteenth Amendment (the income tax) is unconstitutional simply because it was never legally ratified.

Keep up the good fight!

Note: the suggestion for a broader property tax does not include the sort of personal property tax which, as Doig points out, has never worked well. What would work, however, would be a surtax on dividends to reflect a tax on the underlying wealth and a tax on the insured value of other property. Hence if you wanted to cheat on your antiques and Lexus, you would have to underinsure them. As things now stand if you have $100,000 invested in a house you will be taxed at a high rate in most jurisdictions but that same $100,000 will go tax-free (as wealth) if it is converted into stocks and bonds or arts and antiques. There seems no public purpose for such a disparity.

✏ *Another letter comes from Jeffrey Platt in Broken Arrow, Oklahoma:*

> The one issue with which I must disagree would be the bit about "a limit of $100 individual contribution for campaigns. and/or public financing,"
>
> The cap is somewhat opposed to the idea of democracy. As for public financing, the idea of a federal or state or local government agency providing funds for political campaigns should be seriously challenged. The purpose, of course, is to remove the ill effects of undue influence from the political process; the reality is that we have the spectacle of millions of federal dollars going to pay for the national party conventions, the presidential general election, the major party nominees, and "matching" the funds of some dozen or so Republican contenders for their party presidential nomination.

Additionally I would note nearly all of the social justice principles are included in HR 1050 which has been introduced by Congressman Dellums and 15 co-sponsors. It calls for reducing the hours of overtime to 35 in manufacturing and mining, and tripling the cost of overtime as a general adjustment. Spreading the existing work around to more people would reduce the unemployment by several million. Additionally, as the available "surplus talent" is absorbed, the value of the wages would rise.

✏ *And from John Harter in Washington, DC:*

Your eloquent statement, with a few refinements, reemphases, and additions could well be a first draft of a winning platform for 1996. I suggest your platform would be substantially enhanced through the addition of three new planks:

- **Demilitarize the American foreign policy process.** The National Security Act of 1947 institutionalized the Cold War by creating the CIA and the National Security Council -- which interposed between the President and the Secretary of State a supreme secret body in the White House tilted toward the biases of the military/intelligence community. Future stability and prosperity for the American economy requires a drastic restructuring of the Department of State to facilitate the formulation and implementation of a new foreign policy (largely unclassified) based on a recognition of the pivotal economic relationships between the United States and the rest of the world.
- **Adopt a rational fiscal policy** aimed at rapid reduction of the deficit through new approaches to revenues and expenditures (which would ensure the lower interest rates that would improve the outlook for better living standards in the United States and elsewhere):

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1. Either a flat tax or a value-added tax could sharply increase private savings and investment and permit the abolition of an exceedingly wasteful and intrusive IRS. Neither need be excessively regressive if accompanied by a negative income tax for those falling below a certain line and heavy excise taxes on energy and luxury goods (fur coats, jewelry, yachts, private airplanes, entertainment, and expensive restaurants, for example. The VAT, if adopted, should exclude basic foodstuffs and inexpensive clothing.) Income taxes designed to "soak the rich" are always a boon to accountants and lawyers while encouraging inefficient use of great wealth and capital flight. A principal objective of tax policy should be to redirect national resources into prudent investment.

2. Military/intelligence expenditures are enormously wasteful and heavily distort national priorities and even values. Agricultural subsidies have outlived their original rationale. Resources going into those areas should be diverted into investment in mass transit and education. (Health care also requires long-term attention, but the bungled treatment of that issue in 1994 probably reduces the value of rational health proposals as a vote-getter in 1996.)

3. Reducing the budget deficit will also reduce the so-called "trade deficit." That is, as long as government expenditures exceed government revenues, the difference will mostly be made up by imported financial instruments, which will be used to pay for an excess of imports over exports.) With this in mind, we need to rethink many issues associated with international trade.

• **An anti-corporate bias will defeat a third party coalition.** Profit is not an evil: it is the measure that divides success and failure in the private sector. Unfortunately, there is no comparable gauge of government utility, which is why exceptionally inefficient government bodies can survive and prosper, especially when totally non-accountable. Tax, liability, anti-trust, environmental protection, worker and consumer safety, and other laws and regulations -- and their vigorous enforcement -- should be the instruments for ensuring responsible corporate behavior.

(It's especially nice to receive your thoughts on disc; either size and any of the major formats will do)

■

The Weather Report

The semiotics of Oklahoma City

That we live in a post-modern world where the symbolic and the abstract easily supplant the tangible and concrete was brought home sharply by the Unabomber's letter to the *New York Times*. In its letter, the FC group defined its goals as: "the destruction of the worldwide industrial system. Through our bombings we hope to promote social instability in industrial society, propagate anti-industrial ideas and give encouragement to those who hate the industrial system." To this end, the group demanded that the *Times* (or other national media) publish a long article or a small book written by the organization. In short, its demand was not for the resignation of a government, payment of a ransom, release of prisoners or general amnesty, but rather for the dismantling of a symbolic construct known as a system and for the distribution -- upon the printed page -- of the group's own symbolic analysis.

There is an inference here that society has become too complex for such traditional forms of insurrection as regicide, assassination or even revolution. Certainly, power no longer is concentrated in individuals or in clearly defined institutions; rather it is held within great, amorphous "systems" bearing more similarities with, say, the Milky Way or a biological organism than with a specific government or ruler. Was it accidental that the Oklahoma City target was not a headquarters of anything, but instead represented the bland, faceless, ubiquitous intrusiveness of the "federal system?" And was the building itself the real target or only a means of access to the symbolic distribution system of the mass media?

And it is not just targets that have become elusive, but also those who aim at them. Paramilitary literature proposes organization by "leaderless resistance," i.e. small cells devoted to certain general principles but autonomous in tactics and timing. Meanwhile, these cells talk to each other (like, increasingly, the rest of us) through an amorphous system known as the Internet. Thus we find leaderless resistance to leaderless oligopolies, each using a leaderless electronic network for communications. To describe it all, we really need something more akin to a Tolkien saga than an AP dispatch or FBI investigative report. It is not surprising that we find our way to truth strewn by myth; facts by

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themselves have proved too weak, deceptive and uninformative.

For such reasons, we should pay attention to the symbolism being used these days, for in these words we can find some of the forensic evidence of our times. A few cases in point:

Terrorism and terrorists: These are words that serve well those carrying out bombings and assassinations, but what purpose do they serve the rest of us? Do they make us braver, wiser, more resolute? Or do they tend to intimidate, inflame and encourage hysteria? Why are politicians and the press so enamored of these words? Who is trying to terrify whom and why?

Conspiracy theories: Within hours, the mass media strongly suggested that the bombing was the result of a Middle-Eastern plot. Connie Chung reported early in the story, "A US government source has told CBS News that it had Middle East terrorism written all over it." When this lead turned cold, the media leaped on purported connections between the bombers and civilian militias, despite the fact that the best that could be proved was a sort of guilt by attendance -- one step removed even from guilt by association. How do such mass media conspiracy theories differ from those, say, of the civilian militias? If a network anchor can speculate at will without ridicule, can't ordinary Americans do so as well? Aren't theories just the mind waiting for facts to arrive?

Conspiracy theories often fail not merely because they are factually incorrect but because they assume more order to the world than actually exists. It makes far more sense to examine the military, the paramilitary, the rightwing talk shows, the media violence industry, bombastic politicians and so forth, as ecologically supportive elements of a holistic environment rather than to attempt to find out who is in charge. Once the right ecology is established, after all, no one needs be in charge. Things will just happen. Don't ask the FBI; ask any biologist.

Paranoia: Our country overflows with deceptive symbols, disinformation and misleading data. The semiotician Marshall Blonsky says we are living in a "semiosphere, a dense atmosphere of signs triumphantly permeating all social, political, and imaginative life and, arguably constituting our desiring selves as such." In such an environment -- in which grow spin doctors, chronically disingenuous politicians, hyperbolic talk shows and incessant, inescapable marketing -- there is little firm ground for the truth. Much of what we hear and see is, at some level, false. A natural response to this phenomenon is a high level of skepticism. Yet often the official and media response to this skepticism is not to provide supportable facts, but to brand the skeptics as paranoids. For example, why -- given the reliability and lack of information provided by the government and the media concerning Waco -- should one reasonably expect other than the sort of speculations that have occurred? The cure is not ridicule or demands for an end to doubt; the cure is to provide answers or some reasonable manifestation of the search for the same.

Extremism: Much media attention is paid to the notion that extremism is extreme, far less to what it is an extreme of. The solution to alienation is not to stamp out the alienated but to mitigate the causes of alienation.

Militant training

From a description of training sessions conducted by one of America's armed paramilitary groups in the upper midwest:

> "Women participants were called 'hon' or 'babe.' Other women were referred to as 'bitches;' black women were termed 'brown sugar.'" [Janet] Reno was called a 'bitch,' and a 'fucking dyke' and she and first lady Hillary Rodham Clinton were described as 'getting together and doing each other.' ✒ "Seminars opened with a macho promise to participants that 'when you men get home, you are going to fuck like you've never fucked before . . . It's going to be a brutal fucking assault.' ✒ "A trainer said that detonating explosives 'will give your a chubby,' or erection. An instructor spoke of getting 'horny' unless he kills regularly."

The armed paramilitary group in question is the Drug Enforcement Administration and the description comes from a sexual harassment suit filed by three women police officers, as reported in the April 24 *Legal Times*.

Short quiz

Where do large numbers of Americans go to hear people plotting to blow up buildings and see exciting pictures of the results? (A) Civilian militia meetings. (B) Talk radio studios (C) Their local movie theater or television set.

Short list

Here's a short list of current schemes at the White House and on Capitol Hill to restrict citizen freedoms in order to make sure that no more US Army-trained drifters blow anything up: ✒ Revise the posse comitatus act that prevents the military from engaging in civilian law enforcement ✒ Provide a half billion dollar subsidy to telecommunications companies to make their equipment wiretap friendly. ✒ Make it easier for law enforcement agencies to tap phones. ✒ Give the federal government far greater access to private credit and financial records. ✒ Allow the deportation of immigrants based on secret evidence. ✒ Outlaw fund raising in support of international groups the president considers terroristic, a law that might well have been used to prevent US organization against South African apartheid.

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Where does the Cato Institute hold its maneuvers?

From the *Washington Post*: "Jack Rickard, the editor and publisher of *Boardwatch Magazine*, said that out of about 65,000 on-line bulletin boards nationwide, he has heard of about 300 for libertarian and 'paranoid' groups."

Apocalypse who?

As during the Waco disaster, we're hearing much these days of "apocalyptic visions." What we're not hearing is that such views are popular well beyond the paramilitary right. The *Washington Times* points out, for example, that the Oklahoma City memorial service attended by Bill Clinton was led by Billy Graham. The *Times* quotes James Tabor, professor of religion at the University of North Carolina, as saying, "Billy Graham, the center of the culture, is an apocalypticist. He writes books on it and preaches it as every crusade. But nobody thinks he's going to bomb a building. The *Bible* is a very radical document, and we've got to face the fact that it's a big part of our culture." Tabor was a consultant to law enforcement officials during the Waco siege. He unsuccessfully tried to get them to take seriously the Branch Davidians' "end time" beliefs in order to bring the crisis to a peaceful conclusion. .

What do you call it when someone really is following you?

Mindless of the corporate media's warning against paranoia, 39% of respondents told the Gallup folks that they agreed "the federal government has become so large and powerful it poses an immediate threat to the rights and freedoms of ordinary citizens." The poll found roughly the same degree of concern from liberals and conservatives, and within the different geographic regions of the country. Gallup thought the figures might be a little funny and so tried the question again without the qualifier *immediate*. Those agreeing jumped to 52%

Land of the free

When Robert Novak asked Labor Secretary Robert Reich whether the attack on Waco hadn't constituted terrorism, Reich replied, "We're talking about acts of violence, Americans against Americans." Novak: "Wasn't [Waco] an act of violence? " Reich: "We're talking about acts of violence that are absolutely without purpose, without morality, that are cruel, that are evil."

Forgotten facts

The FBI used tear gas at Waco of a variety that has been banned for military use by the Chemical Weapons Convention of 1993. The gas was used for six hours. The *Washington Times* quotes a chemical expert as saying that children in the attack would have been "panicked, their eyes would have involuntarily shut, their skin would have been burning, and they would have been gasping for air and coughing wildly . . . [They] would have been overcome with vomiting in a final hell."

Oops!

Just when the public hysteria and the anti-terrorism legislation was rolling along nicely, here comes a State Department report that finds that last year international terrorist acts had sunk to a 23-year low.

Clinton's Bill of Whatever He Wants

The Clinton White House has the worst record on civil liberties of any recent Democratic administration. Clinton seems to regard the Bill of Rights as just another executive order to review and revise at will. Thus, when the Supreme Court sensibly pointed out that the federal government had no constitutional basis for its school yard firearms ban, he promptly ordered up legislation to circumvent the ruling.

Clinton also told his attorney general, FBI chief and national security council head to come up with a presidential directive that will authorize "any and all [sic] further steps necessary to combat domestic terrorism."

If you think Jimmy Carter was mad before . . .

From Bill Clinton speaking in Iowa: "I am the only president who knew something about agriculture when I got there."

Drug busts

The Maryland State Police have agreed to end race-based drug courier profiling, traffic stops and searches. The agreement came as part of a settlement following the highway stop of Robert L. Wilkins, who agreed to a search of his car only after troopers told him that he and his family would be detained in the rain until they consented. Wilkins turned out to be not a drug courier but a DC lawyer and Harvard Law graduate.

Whitewater ripples

As most of the media continues to downplay Whitewater, two retired NY police investigators have said their review of the Vincent Foster death shows that murder can not be ruled out. Their report, financed by the conservative Western Journalism Center, said there was overwhelming evidence that Foster did not die where his body was finally found in Ft. Marcey Park. Many of the anomalies reported by the investigators have been noted before, although not in the mainstream press. In

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addition, detective Vincent J. Scalice said that in nearly three decades of police work he couldn't remember "ever running across a situation where we found a body in a case of suicide that was so neatly arranged, with the gun so conveniently positioned in the hand in such a straight, orderly fashion."

Field notes

The 1995 National Green Conference will take place July 27-30 at the University of NM in Albuquerque. Then on Aug. 18-20 there will be a National Independent Politics Summit to be held in Pittsburgh. This conference is sponsored by a number of groups including the National People's Progressive Network, the Campaign for a New Tomorrow, and the Greens/Green Party USA. Info for Green Conference: New Mexico Green Party, POB 22955, Santa Fe, NM 87502-2955. 505-986-2071. Moore@santafe.edu. For the Independent Politics Summit: c/o POB 170610,. Brooklyn NY 11217. 718-643-8265.

Public Citizen has released a report stating that more than half of the nuclear reactors in the US are not economically competitive with other forms of power. 202-833-3000.

Equal Exchange is a gourmet coffee company which calls itself an alternative trade organization. It bypasses the conventional marketing system and deals directly with Latin American coffee farmers and co-ops. By cutting out the middle merchants, the farmers get a higher price. EE is a limited dividend company: when it makes a profit, investors will get a maximum 5% return; the rest will be reinvested or paid to its workers. Equal Exchange, 101 Tosca Drive, Stoughton, MA 02072. 617-344-7227.

Roadsigns

Percent of 1992 federal drug offenders who were high level dealers: 11%. Percent who were street-level dealers, bodyguards or couriers: 55%. [US Sentencing Commission]

Number of federal wiretaps in 1981: 106. Number in 1994: 554. Average cost of a wiretap: $66,783. Number of wiretaps federal judges have refused in the last six years: 0. Number of wiretaps that have produced incriminating evidence: 17% *[Electronic Privacy Information Center]*

Number of acres of farmland in US: 833 million. Percent owned by just four percent of all farmers: 47%. Number of farms run by blacks in 1954: 472,000. Number in 1987: 23,000. *[Neighborhood Works]*

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